

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD LEE BEETS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DONALD M. MOSLEY, DISTRICT
JUDGE,
Respondents,
and
E.K. MCDANIEL, WARDEN,
Real Party in Interest.

No. 58358

FILED


JUN 08 2011

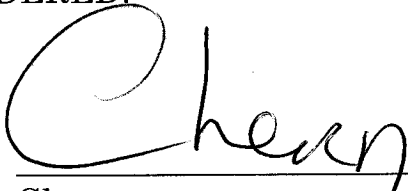
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DENYING PETITION

This is a petition for a writ of prohibition or, in the alternative, mandamus challenging a district court ruling that petitioner's competency to litigate a mental retardation claim in a post-conviction proceeding in a death penalty case was irrelevant because he had no right to counsel and therefore no concomitant right to competency in those proceedings. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary writ is warranted. In particular, we conclude that petitioner has an adequate remedy by way of an appeal should the district court deny him relief. See NRS 34.170; NRS 34.330. Accordingly, we deny the petition. See NRAP 21(b).

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Pickering

cc: Hon. Donald M. Mosley, District Judge
Federal Public Defender/Las Vegas
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk